United Nations S/2005/29

Security Council

Distr.: General
14 January 2005

Original: English

Letter dated 13 January 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the Current Chairman of the African Union, I have the honour to transmit herewith, in English and French, the final version of the communiqué issued by the Peace and Security Council of the African Union at its twenty-third meeting, held in Libreville on 10 January 2005.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Simeon A. **Adekanye**
Chargé d'affaires
Representative of the current Chairman of the African Union

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Annex to the letter dated 13 January 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

PEACE AND SECURITY COUNCIL
TWENTY-THIRD MEETING
10 JANUARY 2005
LIBREVILLE, GABON

COMMUNIQUE

COMMUNIQUE OF THE TWENTY-THIRD MEETING OF THE PEACE AND SECURITY COUNCIL

The Peace and Security Council (PSC) of the African Union (AU), meeting at its 23rd meeting, at the level of Heads of State and Government, on 10 January 2005, in Libreville, Gabon, adopted the following communiqué:

A. ON THE SITUATION IN COTE D'IVOIRE

Council,

1. **Reiterates** the concern of the African Union about the serious difficulties faced by the peace process in Côte d'Ivoire and the substantial delays in the implementation of the Linas-Marcoussis Agreement of 24 January 2003 and that of Accra III of 30 July 2004, which should continue to guide the peace process in Côte d'Ivoire;

2. **Reiterates also** the concern of the AU about the disastrous consequences of the present situation on the social cohesion, the economic fabric and the unity of Côte d'Ivoire as well as on the regional stability and the economic development prospects of the region as a whole. In this connection, Council **reaffirms** its commitment to the respect of legality, sovereignty, unity and territorial integrity of Côte d'Ivoire;

3. **Commends** the Chairman of the AU and the Chairperson of the Commission for their prompt reaction following the serious deterioration of the situation in early November 2004, including the AU/ECOWAS Ota consultation meetings and the Abuja Summit held on 6 and 14 November 2004 respectively, under the auspices of President Olusegun Obasanjo, Chairman of the AU, as well as the decision to entrust President Thabo Mbeki with the mandate of mediating between the Ivorian Parties;

4. **Commends** the efforts made by President Thabo Mbeki and the prospects of a solution he has ushered in and **urges** all the Ivorian Parties to continue to maintain a climate conducive to the continuation of President Thabo Mbeki's efforts. Council **endorses** the plan to emerge from the crisis he submitted to the Ivorian Parties and which focuses on the following points:

   a. the adoption of all the texts emanating from the Linas-Marcoussis Agreement;

b. the implementation of the Disarmament, Demobilization and Reintegration (DDR) programme;

c. the effective functioning of the National Transition Government; and

d. the establishment, throughout the national territory, of a climate conducive to the restoration of peace and stability in Côte d'Ivoire;

5. **Expresses its appreciation** to President Laurent Gbagbo, the Speaker of the National Assembly, the Prime Minister, the G7 and all the Ivorian Parties for the progress made and **encourages** them to continue to seek a peaceful solution to the crisis;

6. **Expresses satisfaction** at the adoption by the National Assembly of fourteen (14) legislative texts emanating from under the Linas-Marcoussis Agreement, particularly the proposed law on the revision of Article 35 of the Ivorian Constitution on the conditions of eligibility to the Office of the President of the Republic. In this regard, Council **urges** President Laurent Gbagbo to do everything to conclude successfully this reform. To this end, Council **recognizes** that organizing a referendum is one of the options - which is not exclusive – that the President could resort to only if this consultation is organized in compliance with the spirit of the Linas-Marcoussis and Accra III Agreements. Council **calls for** a speedy solution to this issue, so as to encourage the implementation of the DDR programme and facilitate the organization of the elections scheduled for October 2005;

7. **Stresses** the urgent need for the full implementation of the DDR programme, in conformity with the calendar laid down by President Thabo Mbeki and the National Disarmament, Demobilization and Reintegration Commission (CNDDR) according to the following phases: establishment of areas for cantonment, assembly of men and arms and disarmament, which will pave the way for the redeployment, first, of the health and education services, and subsequently that of the administration over the entire national territory. Council **urges** the *Forces Nouvelles* to cooperate fully with the CNDDR, with a view to facilitating the beginning of the DDR as soon as possible;

8. **Stresses also** the need for the effective functioning of the Government and greater cohesion between its members to enable it fully assume its responsibilities in the implementation of the programme of the National

Reconciliation Government as well as the need for a regular evaluation of the functioning of the latter;

9. **Requests** the Government and all the Ivorian Parties to take appropriate measures to re-establish the security of persons and goods and end any incitement to hatred and intolerance, particularly through the media. In this regard, Council **encourages** any measures aimed at ensuring that the Ivorian Radio and Television (RTI) broadcast over the whole national territory and that the media contribute to promote a climate of reconciliation and tolerance;

10. **Welcomes** the establishment of joint patrols comprising elements of the National Armed Forces of Côte d'Ivoire (FANCI) and the United Nations Operation in Côte d'Ivoire (ONUCI) with a view to restoring lasting security in the city of Abidjan and its suburbs. In this regard, Council **requests** the United Nations Security Council to substantially increase the strength of ONUCI, including through the contribution of African forces to enable it contribute effectively to the restoration of security in Abidjan and elsewhere in the country, and strengthen its mandate appropriately;

11. **Supports** the arms embargo imposed on Côte d'Ivoire under Resolution 1572(2004) and **requests** the Ivorian Parties and all AU Member States, particularly the neighbouring States, to scrupulously comply with the embargo. Council **requests** the United Nations Security Council to provide the necessary assistance to the States neighbouring Côte d'Ivoire to facilitate the compliance with the arms embargo;

12. **Supports also** the individual measures provided for under paragraphs 9 and 11 of Resolution 1572. However, Council **requests** that their entry into force be deferred to enable the Ivorian Parties to provide proof of their willingness to implement the proposals listed in paragraph 4 of the present communiqué;

13. **Requests** the Ivorian authorities to take the following support measures likely to contribute to the defusing of the situation and the establishment of a climate conducive to the organization of elections under international supervision and within the stipulated timeframe. These measures would be as follows:

- authorize the political parties which so wish, to replace their current representatives on the Independent Electoral Commission;

- compensate the Ivorian people who were victims of the civil war, foreign citizens expelled and/or expropriated during and in the aftermath of the events of September 2002 and November 2004, the political associations whose headquarters were looted and destroyed and the political personalities whose movable and immovable property were also vandalized;

14. **Stresses** the urgent need to combat impunity and to bring to justice the perpetrators of human rights and International Humanitarian Law violations, as well as all those who incite hatred and violence;

15. **Decides** to renew the mandate entrusted to President Thabo Mbeki and **requests** the latter to continue his efforts on behalf of the AU and keep the Chairman of the AU regularly informed about these efforts. President Mbeki will be assisted by a Special Envoy of the Chairman of the AU, the Monitoring Group established by the Accra III Agreement, comprising ECOWAS, the AU and the UN, as well as the AU Liaison Office in Abidjan, which should be strengthened accordingly. Council **urges** the Ivorian Parties to cooperate fully with President Thabo Mbeki and scrupulously honour the commitments made within the framework of the implementation of the proposals to emerge from the crisis contained in the road-map proposed by President Mbeki;

16. **Expresses** its appreciation to the Secretary-General of the United Nations and the Security Council for their support and cooperation;

17. **Decides** to consider the situation in Côte d'Ivoire on the basis of the periodic reports to be submitted, within three months at the very latest.

B. ON THE SITUATION IN EASTERN DEMOCRATIC REPUBLIC OF CONGO (DRC) AND THE RELATIONS BETWEEN DRC AND RWANDA

Council,

1. **Reiterates** its serious concern over the security situation in Eastern Democratic Republic of Congo (DRC) and over the continued presence, in the Kivus, of the ex-FAR and the Interahamwé, who threaten the peace and security of the DRC and Rwanda, heighten the tension between the two countries and undermine the peace and transition

processes in DRC. Council **reaffirms** its support to the commitment of the Heads of State and Government signatories of the Dar-es-Salaam Declaration of 20 November 2004 on Peace, Security, Democracy and Development in the Great Lakes Region, to combat genocide in the Region, neutralize, disarm and refer to International Tribunals the perpetrators of genocide, including the forces which committed genocide in Rwanda in 1994. Council **also supports** their commitment to prohibit any form of direct or indirect support, supply of arms or any form of assistance to armed groups for the purpose of carrying out, from any territory, acts of aggression or subversion against other Member States;

2. **Reaffirms** the obligation of all Member States to comply with the principles enshrined in the Constitutive Act of the African Union, in particular the respect of the sovereignty and territorial integrity of Member States, the peaceful settlement of disputes and the prohibition of the use of force or the threat to use force among Member States and the rejection of policies of exclusion;

3. **Affirms** that the problem posed by the continued presence of the ex-FAR and Interahamwe and other armed groups in Eastern DRC requires a decisive action by the international community at large and Africa in particular, to effectively disarm and neutralize these armed groups. In this regard, Council **welcomes** the support expressed by the President of the DRC to the principle of forceful disarmament of these armed groups by an African force. In this respect, Council **urges** AU Member States to extend the necessary security assistance, including troops, to contribute to the effective disarmament and neutralization of the armed groups. Furthermore, Council **requests** the Commission to facilitate necessary consultations with AU Member States, including the countries of the region, the United Nations, the European Union (EU) and other stakeholders, as a follow-up to this decision;

4. **Requests** the UN Security Council to increase substantially the strength of the Mission of the Organisation of the United Nations in the Congo (MONUC) and enhance its mandate to enable it contribute more effectively to the stabilization of the situation in Eastern DRC, including in the disarmament and the neutralisation of the ex-FAR and Interahamwe and in the enhancement of security along the border between the DRC and Rwanda;

5. **Requests** the Chairperson of the AU Commission, in concert with the United Nations, to work towards the early operationalization of the Joint Verification Mechanism (JVM) agreed upon by DRC and Rwanda, in the spirit and letter of the Terms of Reference signed in New York on 22 September 2004 under the aegis of the United Nations and the AU and **calls upon** the Parties to cooperate fully with the African Union and the United Nations;

6. **Requests** the Current Chairman of the African Union, in liaison with the Chairperson of the Commission, to take appropriate measures to encourage the re-establishment of confidence between the DRC and Rwanda, including meetings between Presidents Joseph Kabila and Paul Kagamé. Council **welcomes** the readiness shown by the two Heads of State in this regard, and **encourages** the resumption of formal diplomatic relations between the two countries, preferably before the next AU Assembly of Heads of State and Government;

7. **Calls upon** the United Nations, bilateral and multilateral partners, as well as the international community as a whole, to continue to support the peace and transition processes in the DRC, including the enhancement of the cohesion within the transitional institutions, the restoration of the authority of the State over the whole national territory, the speeding up of the process of integration of the army and the security services and the establishment of conditions for compliance with the electoral calendar;

8. **Requests** the Current Chairman of the AU to establish a Committee to follow up, on a regular basis, the situation in DRC and assist the transition process. The Committee should carry out consultations with the United Nations and the European Union, as well as all concerned countries and organizations, to seek appropriate support for the transition process in DRC, including the DDR programme. Council **mandates** the Current Chairman to appoint a Special Envoy to ensure liaison between the AU, the United Nations, the EU and other concerned actors, to assist in mobilizing international support and guide the process, in collaboration with all stakeholders.

9. **Requests** the Chairperson of the Commission to take the necessary measures to strengthen the Liaison Office of the African Union in the

DRC to enable it play a more active role in supporting the transition process, particularly the electoral process.

C. ON THE SITUATION IN THE DARFUR REGION OF THE SUDAN

Council:

1. **Welcomes** the signing, on 9 January 2005, of the Comprehensive Peace Agreement (CPA) between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), and **congratulates** the Sudanese Parties for this historical Agreement. Council **calls** for the scrupulous implementation of this Agreement and **expresses its conviction** that the CPA offers a framework upon which other contentious issues in the Sudan, including the conflict in Darfur, could be resolved;

2. **Stresses** that a lasting solution to the conflict in Darfur can only be achieved through political and peaceful means and **urges** the Parties to recommit themselves to dialogue. In this regard, Council **demands** that the Inter-Sudanese Peace Talks be resumed in Abuja, in early February 2005, and **requests** the Movements to be represented thereto by their highest leaders;

3. **Strongly condemns** the gross and repeated violations of the Humanitarian Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004. Council **further condemns** the continued attacks against innocent civilians and humanitarian workers. Council **expresses its deep concern** at the prevailing humanitarian situation and **urges** the Parties to work in earnest to create conducive conditions to facilitate and enhance the presence on the ground of humanitarian organizations and NGOs and the effective delivery of humanitarian assistance;

4. **Urges** all the Sudanese Parties to abide by their commitments and fully cooperate with the AU, UN and humanitarian organizations in order to create conditions for the commencement of the voluntary and safe return of internally displaced persons and refugees, as soon as possible, and in any case, before the beginning of the rainy season;

5. **Acknowledges** the fact that the Government of the Sudan had provided to the Ceasefire Commission information relating to the locations of its forces as well as a list of its prisoners, and has reacted

to the list communicated by the Movements, by providing information on the various categories of persons it is detaining. Council **also acknowledges** the fact that the Movements had given to the Joint Commission the list of their members detained by the Government of the Sudan and **requests** the Movements to react to the list provided by the Government;

6. **Demands** that the Parties extend unreserved cooperation to the African Union Mission in the Sudan (AMIS) and fully implement the decisions of the 6th Meeting of the Joint Commission held in N'djamena, Chad, on 3-4 January 2005. In this regard:

   - the Government of the Sudan should immediately withdraw its forces to the positions they held before the military offensive launched on 8 December 2004, in order to create conditions conducive to the resumption of the political negotiations, disarm the Janjaweed/Armed militias and inform AMIS of the concrete steps taken in this regard. In this respect, the Council **welcomes** the pledge by the Government of the Sudan to withdraw its forces to their pre-8 December positions;

   - the Movements should immediately communicate to the Chairman of the Ceasefire Commission the locations of their forces and put an end to attacks against commercial activities and government infrastructures, including police stations;

7. **Asks** the Ceasefire Commission to verify the implementation by the Parties of the above-mentioned commitments and to report accordingly to it for appropriate action;

8. **Appeals** to the International community, in particular the UN Security Council and its Members, to exert constant pressure on all the Parties so that they abide by their commitments and extend full cooperation to AU efforts;

9. **Asks** the AU Commission to continue and accelerate the deployment of AMIS. In this respect, Council **expresses appreciation** to the AU Member States which contributed troops and civilian personnel to AMIS and **urges** Member States that have been requested by the Commission to provide personnel, to quickly do so to enable AMIS to effectively discharge its mandate;

10. **Expresses appreciation** for the efforts being deployed by African individual Leaders to bring about peace and security in Darfur and **encourages** greater coordination of such efforts within the framework of the Abuja Talks;

11. **Also expresses appreciation** for the contribution and support of the UN Secretary-General and that of the UN Security Council to AU efforts in promoting a lasting solution to the crisis in Darfur;

12. **Further expresses its appreciation** to AU Partners for their support to the on-going efforts of the African Union both regarding the deployment of the AMIS and the Peace Talks in Abuja.